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September 28, 2017

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Via ECF

United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722
Attention: Honorable Denis R. Hurley

RE: Godoy v. BMW of North America, LLC, et al
Civil No. : 16-cv-05502
File No. : 5850.004

Dear Judge Hurley:

Our office has been retained to represent Autoliv, Inc. and Autoliv ASP, Inc. (“Autoliv defendants”) in the above referenced matter. The Autoliv defendants were served with Plaintiff’s Amended Complaint (D.E. 51). Pursuant to Rule 3 of this Court’s Individual Practice Rules, please permit this correspondence to serve as a request for permission to file a pre-answer motion to dismiss the complaint because the Autoliv defendants are not subject to personal jurisdiction in New York.

Briefly, this is a product liability case arising from an event that occurred on July 10, 2015, when the air bags in Plaintiff’s 2000 BMW Model 528i allegedly spontaneously deployed as she was driving on Hempstead Turnpike in Farmington, New York. Plaintiff, the vehicle driver claims personal injury damages and sued BMW of North America, LLC, BMW Manufacturing Co., LLC, ZF TRW Automotive Holding Corp., Autoliv, Inc., and Autoliv ASP, Inc.

Autoliv, Inc. is a Delaware Corporation with headquarters in Stockholm, Sweden. In addition, Autoliv, Inc. is a global holding company with over 80 subsidiaries. Autoliv, Inc. does not, and has never, designed, manufactured, or distributed seatbelt restraints or airbag systems. Autoliv, Inc. is a holding company and the ultimate parent corporation of multiple wholly-owned subsidiaries that are separate legal entities. As a holding company, Autoliv, Inc. does not participate in the design, manufacture, or distribution of automobile component parts.

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Autoliv ASP, Inc. is an Indiana corporation with its principal place of business in Utah. Autoliv ASP, INC. does not maintain offices in New York State and does not design or manufacture automobile component parts in the State of New York.

General jurisdiction does not exist over the Autoliv defendants in New York. The Autoliv defendants are not “at home” in New York for general jurisdiction purposes. *Daimler AG v. Bauman*, 134 S. Ct. 746, 751 (2014); *see also Bristol-Myers Squibb Co. v. Superior Court of California*, No. 16-466, 582 U.S. __ (2017); *BNSF Railway Co. v. Tyrrell*, No. 16-405, 581 U.S. __, 137 S. Ct. 1549 (2017). In addition, there is no specific jurisdiction as to the Autoliv defendants. Plaintiff does not allege, and cannot prove, there is any connection—let alone a jurisdictionally-relevant connection—between the Autoliv defendants, New York, and the events underlying Plaintiff’s lawsuit. *See Walden v. Fiore*, 134 S. Ct. 1115, 1121 (2014). Accordingly, the Court should dismiss Plaintiff’s claims against the Autoliv defendants.

Therefore, the Autoliv defendants requests a Pre Motion Conference and for leave to move to dismiss Plaintiff’s claims against the Autoliv defendants pursuant to Rule 12(b)(2) for lack of personal jurisdiction.

Very truly yours,
Aaronson Rappaport Feinstein & Deutsch, LLP

PETER J. FAZIO /s/

Peter J. Fazio
PJF:r

Cc: All Parties VIA ECF